UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.239
4 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 239th MEETING

Held at Headquarters, New York,
on Thursday, 20 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of the publication to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Netherlands (continued) (CEDAW/C/NET/1 and Add.1-3)

1. At the invitation of the Chairperson, Ms. Bode-Olton, Ms. Hoevertsz and Ms. Swiebel (Netherlands) took places at the Committee table.

2. Ms. BODE-OLTON (Netherlands), representing the Netherlands Antilles, replying to the Committee's questions with regard to the functioning of the national machinery for bringing women's rights into the mainstream in the Netherlands Antilles, said that it had been established in 1989 under the oversight of the Minister for General Affairs, who was also the Prime Minister. Although its status had not yet been legally formalized, it had succeeded in creating greater awareness of women's rights.

3. In 1992, the Government had organized an extensive workshop on human rights and reporting procedures, which had focused on four major human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women. The participants had been mainly civil servants and members of the judiciary and police forces of the different islands.

4. Policy-making in the Netherlands Antilles was hampered by lack of statistical data, due, inter alia, to lack of standardization and inadequate funding. The situation was further complicated by the fact that the Netherlands Antilles comprised five islands, each with its own specific needs and characteristics. Vulnerability to external economic forces and the effects of heavy immigration on the social and political structures, however, concerned the community as a whole and women in particular. The Government had therefore established a special unit to undertake population studies and to prepare a draft policy plan for women and development.

5. As for the number of women deputies in Parliament, latest available data showed that women accounted for 13 per cent of the total number of deputies and 30 per cent of government ministers. The Prime Minister was also a woman.

6. On the question of the relationship between the low minimum age for marriage by women and the rate of divorce, she said that although article 78 of the Civil Code of the Netherlands Antilles laid down a minimum age of 15 years for marriage by women, in fact few women married at that age, preferring to complete their education and to embark on a career. Moreover, a multidisciplinary commission was currently engaged in a comprehensive review of the Code. She acknowledged that divorce was common.

(Ms. Bode-Olton, Netherlands)

7. Women in the Netherlands Antilles were increasingly being empowered in all areas, as demonstrated by the fact that women had accounted for 65 per cent of participants at a recent training programme for small business owners.

8. Ms. HOEVERTSZ (Netherlands), representing Aruba, said that the Government proposed to make specific presentations on the subject of human rights to students at the police academy and to correctional and immigration personnel. In addition, the Universal Declaration of Human Rights and the Convention on the Rights of the Child had already been translated into Papiamento and disseminated throughout the community.

9. With regard to the national machinery in Aruba, the Government had appointed a focal point for women's affairs within the Directorate of Social Affairs in 1986; however, an integral and interdepartmental emancipation policy had yet to be developed.

10. Sexual abuse of women and children remained a very sensitive area of concern. In Aruba, as in many other countries, sexual offences and related crimes constituted a considerable part of the police department's total workload. A private foundation, "Fundoción Respetami", comprising professionals working in the area of child welfare had been established in 1991 in order to held children who were victims of such crimes. Adult victims of abuse could seek redress through the courts or through the Bureau of Family Difficulties of the Directorate of Social Affairs. The "Respetami" Foundation also hoped to establish self-help groups for those victims in the near future.

11. On the subject of dismissal on the grounds of pregnancy, she said that private sector employees were governed by two main laws, the first being the Landordinance on the Termination of Labour Contracts, which provided that employers must obtain the prior approval of the Director of the Department of Labour in order to terminate a labour contract. In practice, pregnancy was never considered to be sufficient grounds for granting such permission. The second law was the Aruban Civil Code, which prohibited dismissal in cases of sickness or accident. Although pregnancy was not explicitly mentioned it was considered to be covered under "sickness" as was true of the social security laws under which a pregnant employee was entitled to social benefits. Government employees were covered by the Landordinance governing Substantive Public Service Law.

12. Despite those provisions, however, some cases of dismissal on account of pregnancy had occurred in the private sector. In its judgement of 24 June 1992, the Court of First Instance of Aruba had ruled that the stipulation in the labour contract between Air Aruba and its employees to the effect that pregnancy constituted grounds for termination of employment was manifestly unreasonable and that, since only women could be dismissed on grounds of pregnancy, it

(Ms. Hoevertsz, Netherlands)

constituted direct discrimination on grounds of sex and was therefore invalid. In cases of manifestly unreasonable dismissal, a judge could grant damages to or order the reinstatement of an employee.

13. Available data showed that the rate of AIDS infection in Aruba was relatively low, but was steadily increasing. Men accounted for approximately 60 per cent of HIV-positive cases. Transmission was mainly due to heterosexual contact and Arubans and foreigners living in Aruba were affected in equal numbers. A national AIDS commission had been established in Aruba in 1987 to provide clinical care and counselling to AIDS patients and HIV-positive individuals and to institute control methods, including health education and epidemiological surveillance. Health education activities included regular television broadcasts and the nationwide distribution of posters and leaflets. Large numbers of condoms were also distributed to vulnerable groups, such as prostitutes. The latter received, in addition, special guidance and counselling; before receiving their work permits they were obliged to report to the infectious diseases unit of the Department of Public Health and they had to submit to periodic checkups. The results of those efforts would only become known over the long term.

14. Ms. SWIEBEL (Netherlands), replying to the questions, said that the national machinery in the Netherlands was a complex of various institutions comprising the State Secretary of Social Affairs and Employment, who had main political responsibility and was the core of the national machinery, the Department for the Coordination of Emancipation Policy, which had responsibility at the administrative level, and the Emancipation Council and the Equal Opportunities Commission, both of which were semi-independent agencies which fulfilled the specific roles assigned to them through legislative mandates. The main task of the core national machinery was to mobilize public concern about women's issues in order to keep them high on the political agenda and to achieve workable policy solutions. Efforts were also being made to encourage other levels of Government to take up those issues.

15. The Government appreciated the report entitled "Showpiece or slow coach" submitted by one of the non-governmental organizations which, in counter-balancing the official report submitted to the Committee, accurately reflected the relationship between the Government and private voluntary organizations in the Netherlands. While her Government placed great value on the distribution of power and responsibilities, it remained wholly accountable to Parliament for its policy decisions and budget expenditures. Non-governmental organizations were responsible only to their respective constituencies and could criticize or question government policies. The Government considered the presence of independent non-governmental organizations which reflected the interests of the public to be a major asset in a democratic

(Ms. Swiebel, Netherlands)

society and was therefore willing to contribute financially to their functioning.

16. For their part, equality policies in the Netherlands were based on a strategy of integrating women's issues into all areas and levels of policy making. The Government hoped that the new monitoring methodologies to be developed by the national machinery would be able to measure the concrete results of that type of indirect action.

17. She had taken careful note of the observations by members of the Committee concerning the lack of analysis in the report. She pointed out that inputs to the report had come from different parts of the administration and that it had been difficult to follow the Committee's guidelines without losing sight of the Government's own policy priorities.

18. Promotion of women's economic self-reliance was a major policy objective of the Government and, in 1981, political responsibility for equality issues had been transferred from the Ministry of Welfare to the Ministry of Social Affairs and Employment.

19. Replying to questions under article 2 concerning the legal protection of the rights of women against discrimination, she reported that the Equal Opportunities Act had been invoked in nearly 50 cases in court since its revision in 1989. Most of the cases had been dealt with by the Equal Employment Opportunities Commission, which was a semi-judicial body. The new provisions of the criminal code on sex discrimination had recently come into force and the General Equal Opportunities Act was expected to become law in 1994.

20. The NGO report "Showpiece or slow coach" stated that the new guidelines for public prosecution concerning cases of discrimination were not sufficiently clear. The Government of the Netherlands had confirmed that, following the entry into force of the Equal Opportunities Act, the Guidelines would be reviewed and clarified.

21. Responding to the question of what was meant by "horizontal relationships", she said that they referred to relationships between citizens, as opposed to the "vertical relationship" between citizens and the State. In the Netherlands, the State was bound to always respect the fundamental rights and freedoms of its citizens. There was some debate, however, as to whether citizens were obliged to respect each other's fundamental rights and freedoms, particularly where the latter were in conflict with each other. One of the main aims of anti-discrimination legislation was to determine in which cases citizens were obliged to respect the fundamental rights of their fellow citizens and in which others they might follow their own convictions.

(Ms. Swiebel, Netherlands)

22. On the subject of sexual violence against women and girls, the Government of the Netherlands proposed to undertake a study of the effects of government policy on violence against women. In 1993, approximately US$ 40 million had been spent on combating such violence. The relevant legislation had been amended to establish penalties for rape within marriage and to broaden the legal concept of rape. The legal position of the victim of violent crime, including sexual violence, had also been improved. Other important policy instruments were research and assistance to the victims of sexual violence. A number of measures had been adopted in the areas of self-defence for young girls and women and social safety. In addition, a child abuse information campaign and an awareness-raising project on the prevention of sexual violence had also been launched.

23. The problem of violence against women was the responsibility of various ministries. The Ministry of Welfare, Public Health and Culture saw to the care and assistance of victims of that type of violence; the Ministry of Justice was responsible for legislation on public decency; and the Ministry of Social Affairs and Employment dealt with combating sexual harassment in the workplace. The State Secretary for Social Affairs and Employment, responsible for emancipation policy, coordinated policy on violence against women. Furthermore, the Sexual Violence Working Group of the Interdepartmental Coordination Committee for Emancipation Policy coordinated such efforts at the civil service level and advised the Government on policy matters.

Article 3

24. Since emancipation policy in the Netherlands had traditionally been the responsibility of a special State Secretary, the elimination, in 1991, of the Cabinet Committee for Emancipation Policy should not be seen as a significant event. It had, in fact, been in existence only since 1986. The office of State Secretary for Emancipation Policy had simply been reinstated.

25. Unfortunately, the statistical summary on the position of women in the Netherlands had not been available in the English language in time for the current session, but would be published and made available to the Committee in 1994. The Woman's Social Atlas had been produced only in Dutch, and would therefore be of little use to the Committee.

26. Responsibility for the funding of women's support centres at national, regional and provincial levels was shared out in various ways. The State Secretary for Emancipation Policy saw to it that non-governmental organizations and national support centres were financed, usually, for five-year periods, after which an evaluation was conducted to determine whether the subsidy should be prolonged, transferred or terminated. The leading principle was that the work of such bodies must continue. In some cases, national support centres had

(Ms. Swiebel, Netherlands)

found markets for their consultancy skills and other products, and were able to continue without further government subsidies. The provinces would assume the responsibility for financing the 12 provincial emancipation offices in 1994. After an initial five-year period, the decision to continue to subsidize those offices would revert to the provinces. The State Secretary for Emancipation Policy had the overall responsibility for the proper functioning of emancipation support policy on all levels of public administration.

27. With regard to temporary special measures, the policy of the Netherlands asserted that positive action and preferential treatment measures were the domain of concerned organizations, institutions and enterprises and should be imposed by law only as a last resort. The Government had set targets to increase the number of women in all spheres of the civil service; there were, however, no sanctions when such targets were not met. Some non-governmental organizations and enterprises applied positive action measures, such as, for example, specially requesting applications from women in help wanted ads.

Article 5

28. In the view of the Netherlands, the issue of sexual preference fell under articles 2 and 3 of the Convention; an overview of its related policies and programmes would be included in the second periodic report.

Article 6

29. The policy of the Netherlands Government on HIV/AIDS had several thrusts: to prevent the spread of the disease, to develop a satisfactory structure for the care of people infected, to encourage scientific research, and to prevent discrimination against and stigmatization of those infected. As of 1 April 1992, the cumulative total of AIDS cases in the Netherlands had reached 2,076. An estimated 8,000 to 12,000 people were infected with HIV. Nearly 80 per cent of AIDS cases occurred among homosexual or bisexual men, and approximately 94 per cent involved intravenous drug users. The Ministry of Health, Welfare and Cultural Affairs, which, in cooperation with large number of interest groups, was responsible for implementing AIDS policy at national, regional and municipal levels, based its policy on the following principles: individual responsibility; tolerance for variant values and lifestyles; frank advice on prevention; a broad concept of safe sex; and an adequate funding level. Three committees advised the State Secretary for Health on national AIDS policy.

30. Recently, a network of hospitals serving as AIDS centres had been set up throughout the Netherlands. In addition, in each health-care region a nursing home had been designated to coordinate the care and treatment of AIDS patients. Counselling was provided on both in-patient and out-patient bases to those

(Ms. Swiebel, Netherlands)

infected with the HIV virus. The Ministry of Health had funded a total of 66 research projects on AIDS between 1988 and 1991. The Netherlands objected to making HIV-tests part of the medical examination required of prospective employees; it also rejected such testing in the context of international travel. It had run a number of AIDS information campaigns for prostitutes.

31. The problem faced by the Netherlands with regard to the traffic in women was forced prostitution. Illegal aliens who notified the Government that they had been subject to such treatment were granted a residence permit for the duration of the investigation and court proceedings.

32. No link had been found between the lack of a ban on pornography and violence against women; access to pornography for adults might even temper the use of violence against women. Pornography was, of course, prohibited for persons under the age of 16. Child pornography legislation was in the process of being rewritten to make punishable not only the distribution of child pornography but also its possession.

Article 7

33. The Netherlands was in the process of exploring means of increasing the number of women in politics and public administration. Under its political system, autonomous political parties, over which the Government was permitted to exercise no influence, put forward lists of candidates to serve in legislative bodies. The Government was therefore limited to setting standards and objectives and creating conditions conducive to the changes it sought. Its policy included, for example, furnishing grants to political parties for the purpose of increasing the number of women candidacies. Special working groups had been set up to explore issues involving the participation of women in decision-making and public life.

34. The Netherlands Government did not support the goal of "parity democracy", which it deemed to conflict with the basic principles of democracy: in its view, to require that 50 per cent of electoral seats should be reserved for women constituted an infringement on the voting rights of citizens. Equality in political representation should be pursued through education, consultation and the setting of flexible targets by political parties.

35. Political parties in the Netherlands registered candidate lists; position on that list, which was set by the party, determined election to a seat. Through a system of preferential votes, however, a candidate could be elected despite a low position on the list, and that could serve as a means of electing women to office. The Government granted the sum of $2.7 million a year to each political party for training, education and think-tank activities, but in the

(Ms. Swiebel, Netherlands)

interest of autonomy, parties were required to raise their own funds for overhead and for electoral activities.

36. The 12 Queen's Commissioners, appointed by the Cabinet and approved by the Queen, tended to remain in office for long periods. Consequently, the turnover was low, and it was, in any case, difficult for the Cabinet to appoint newcomers to such posts. The goal of one woman commissioner by 1995 was therefore not insignificant.

Article 8

37. The Ministry of Foreign Affairs had been actively endeavouring to involve women in the diplomatic service; in particular, it was attempting to increase the number of women in the upper ranks. Policy measures were geared towards the recruitment and promotion of women, and, as elsewhere in the Government, whenever possible when two candidates had equal qualifications and one of them was a woman, preferential treatment was accorded to the woman.

Article 9

38. After ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Netherlands Government had denounced the Convention on the Nationality of Married Women, on the grounds that it contravened that instrument.

Article 11

39. Although the employment rate for women in the Netherlands had always been low in comparison with other Western European countries, the female working population had risen from 32 per cent to 54 per cent between 1975 and 1990.

40. The increase in the percentage of women in part-time employment could not be viewed as a manifestation of discrimination against women; many women sought part-time work because such jobs permitted them to balance their various responsibilities. A considerable number of men also sought part-time jobs; the FNV, the largest Netherlands trade union, had launched an awareness campaign to promote the notion that such an approach was a means for young fathers to achieve more integrated lives.

41. In the Netherlands, the normal work week was 38 to 40 hours, and jobs with fewer hours were part-time. No statistics were available about the number of women working in double part-time jobs, but nor was there any indication that a substantial percentage of women combined several part-time jobs to earn a full-time salary. As a general rule, women who sought full-time jobs were able to find them.

(Ms. Swiebel, Netherlands)

42. The Government had taken measures to address the problem of the high concentration of women in a limited range of low-skill occupations; among them were awareness campaigns for schoolgirls, expertise centres, media campaigns and the development of teaching materials. The question of equal pay for equal work was a problem in the Netherlands; the Equal Pay Act, incorporated into the revised Equal Opportunities Act, was an effort to tackle that issue. Group action had indeed proven an effective means for women to combat such situations directly. For example, the suit brought against a vocational training institute for its discriminatory quotas, described in paragraph 173 of the report, had had a successful outcome. Official 1991 statistics had cited some 13,000 cases of at-home employment, but other reports registered as many as 166,000 cases. In any event, legislation was currently being drafted to improve the situation of persons who worked at home.

43. The General Equal Opportunities Act would at last ban all forms of discrimination in private insurance. With regard to the system of personal income tax, concern had been expressed as to the negative effect of the so-called breadwinner's benefit on women's participation in the labour market. The tax reform undertaken in the Netherlands in the early 1980s had introduced a personal allowance system that was the same for men and women. The allowance, in the sum approximately US$ 3,000, was the portion of personal income exempted from taxation; that sum doubled for a taxpayer whose partner was not employed. If, however, a non-earning partner entered the labour market, and earned an income equal to or higher than the personal allowance, the other partner would no longer be regarded as a breadwinner, and would lose his double allowance. A woman entering the labour market on a part-time basis at a low hourly income rate might be discouraged from seeking work as a consequence of that policy. From a socio-economic angle, it was uncertain, however, whether that system functioned as a disincentive to all women, or only to a narrow group of women.

44. Women who experienced discrimination in the workplace could invoke article 11 of the Convention when bringing action against the State but not against an employer or another citizen. Ultimately, however, that distinction was of little importance in the Netherlands, because both the Equal Opportunities Act and the forthcoming General Equal Opportunities Act afforded women many grounds on which to seek legal redress.

45. The next report would include a more substantial analysis with regard to article 11, with particular attention paid to the socio-economic position of women. It would also address the question of policies concerning female agricultural workers.

(Ms. Swiebel, Netherlands)

Article 12

46. A study would be conducted in 1994 on access by women to health services. There were increasing numbers of women among the new AIDS cases. The average age of women with AIDS was lower than that of men. All relevant government programmes were accessible to both men and women; there were no programmes especially for women. Aware, however, of the importance of the issue for women, the Netherlands Government had instituted a women-and-AIDS office; it had also created a division for women within the Netherlands HIV association, which had set up a national network to foster self-help groups.

47. The drug policy of the Netherlands aimed at restricting in so far as possible the risks posed by drug abuse both to users themselves and to society. The approach was based on the principle that only cohesive, balanced and multidisciplinary measures could control the drug problem. Little specific information was available relating to drug abuse and women; the ratio of female to male addicts was approximately one to three.

48. Although artificial insemination was not regulated by law, hospitals and other institutions had protocols governing the performance of such procedures. Most importantly, a woman applicant could not be refused access on the basis of marital status, sexual preference or lifestyle; if, however, a physician had moral objections in a given case, he was permitted to refer a patient to a colleague.

49. There were currently no laws governing pregnancy at an advanced age. On the initiative of the United Kingdom, a working group within the European Union would shortly commence discussions on that matter.

Article 16

50. The Netherlands Parliament was in the process of considering a bill on sexual equality in the choice of names, by which both sexes would, for example, have the right to keep the family name, assume a spouse's name, or place a spouse's name before the family name.

51. Since the enactment in 1991 of new legislation on rape within marriage, several court cases had arisen, most involving spouses that were separated but not divorced. In the view of the Netherlands, substituting the words "against the will" for the words "through force" would not be a beneficial development, because such a formulation could allow the rape victim to be questioned about her attitudes. As the legislation stood, the prosecution simply had to demonstrate that force or any other form of compulsion had been used.

(Ms. Swiebel, Netherlands)

52. The mandatory five-day pre-abortion waiting period had been devised to encourage women to reconsider terminating a pregnancy. Furthermore, there were plans to incorporate more rigorous requirements into the Termination of Pregnancy Act, so as to guarantee that every such decision was cautiously made. Abortions were permitted on medical and social grounds during the first 20 weeks of pregnancy and had to be performed by a physician in a hospital or clinic especially licensed to carry out such operations.

53. The CHAIRPERSON said that, while surprised by the position of the Netherlands Government on parity democracy, which the European women's movement had been working so hard to achieve, she felt that its views could provide a valuable basis for reflection.

54. In the current world-wide economic crisis, part-time work might be an interesting and creative solution to the problem of working time: the approach of the Netherlands might indeed be more advanced than that of other countries.

55. She thanked the representatives of the Netherlands for their replies, noting that she had been particularly impressed by the explanation of the role of the Government and non-governmental organizations.

56. Ms. GARCIA-PRINCE expressed the hope that members of the Committee could be provided with copies of the replies provided by the Netherlands delegation. Noting that the Netherlands was doing a splendid job in its cooperation programmes with developing countries, particularly in the area of the advancement of women, she said that it would seem that certain countries such as her own, Venezuela, were deemed not to be in need of help. That was not necessarily true.

57. Ms. BRAVO de RAMSEY commended the Netherlands representative for the wonderful way in which her Government was dealing with the full integration of women into national life, adding that she would welcome more information on the moral objections of medical practitioners to artificial insemination.

58. Ms. SWIEBEL (Netherlands) noted, concerning international cooperation, that her country undertook such cooperation in the context, for example, of the Commission on the Status of Women, where an ongoing dialogue was carried on to determine how women in Government and non-governmental organizations from all countries of the world could work together to produce better results. It was also involved in the area of development cooperation, where concepts such as the women and development policy, had to be placed in the context of a country's overall development cooperation policy. That might force Governments to adopt a selective approach. While she was not in a position to comment further on Venezuela's specific situation she would take due note of the concern expressed.

(Ms. Swiebel, Netherlands)

59. Concerning artificial insemination, it must be borne in mind that in a country like hers there were different views on what constituted morality. Under the code of conduct she had referred to, individual physicians could object to performing that procedure simply because they had a different view on the issue, but were obliged to refer women to another institution or colleague.

60. Ms. ABAKA, noting that the Netherlands was one of the few countries that had passed a law on the issue, wondered whether the Netherlands representative could tell the Committee about some experiences concerning euthanasia.

61. Ms. SWIEBEL (Netherlands) said that her delegation had decided that linking the women's issue with euthanasia would be dangerous because it would give the impression that decisions concerning the fate of relatives would have to be taken primarily by women. Moreover, the issue was a highly complex and politically sensitive one and it would be unwise to improvise any formal statement. However, she would be happy to supply a formal letter of the Netherlands Government stating its policy on the issue.

62. Ms. Swiebel, Ms. Bode-Olton and Ms. Hoevertsz (Netherlands) withdrew.

63. At the invitation of the Chairperson, Ms. Bernard (Guyana) took a place at the Committee table.

64. Ms. BERNARD (Guyana), in reply to the questions as to whether the provisions of the Convention could be invoked and enforced through the courts, said that the Convention did not form part of the laws of Guyana and had not been incorporated into the constitution although certain articles of the Convention were dealt with by specific statutes which were enforceable in the courts.

65. She noted that the Government had taken a number of measures to mitigate the effects of structural adjustment programmes on women and children. They included the Social Impact Amelioration Programme, under which periodic payments were made in particular to elderly women, pregnant and lactating mothers for a period of time in order to cushion the effects of the high cost of living triggered inter alia by higher prices of goods and services, and the food-for-work programme.

66. Implementation of the Convention had led to an improvement in the status of women generally and in some instances had focused attention on the obstacles to the development of women. It had raised the consciousness not only of women's organizations but also of male-dominated institutions and of society as a whole.

67. On the question of abortion, she said that, officially, 291 abortions had been recorded in 1993, the highest number occurring in the 24-29 years age

(Ms. Bernard, Guyana)

group. However, given that abortion was considered a crime in Guyana and carried with it a social stigma, there was a strong probability that many abortions were not reported. According to the findings of a Pan American Health Organization (PAHO) study, incidence of abortion in Guyana was high, with East Indian women accounting for the highest number of abortions followed by Black women. Amerindian women had maintained a traditional repulsion for abortion. Abortion was often used as a form of contraception by women who had no access to adequate family planning programmes and there was therefore a huge unmet need for family planning advice. Although there was a responsible parenthood association which gave advice on family planning, there was no Government policy on the issue. The decriminalization of abortion was currently being debated and a proposed bill, the Medical Termination of Pregnancy Bill, had been tabled before Parliament and was expected to be passed despite intense opposition from religious groups.

68. On the question relating to statistics on drop-outs she noted that in 1992/93, the drop-out rate at the tertiary level had been 81.1 per cent for men compared to 18.9 per cent for women. Reliable data for drop-out rates by gender at the primary and secondary levels would be supplied in the next reports although official sources suggested that the rate was higher for boys than girls especially at the secondary level. At the teacher-training level, although female students significantly outnumbered male students, they had lately begun to display an increasing tendency to remain at the teacher-training institution longer than their male counterparts; in 1980 and 1985 the reverse had been the case. A larger percentage of girls than boys entered tertiary education institutions, particularly in the legal profession, but that was a recent trend.

69. The information requested on migration statistics would be supplied in the next report. Migration was high from the rural areas into the towns particularly among the youth who invariably found themselves being exploited by unscrupulous employers who even sometimes exploited the young girls sexually. Invariably, some of these young people became involved in the ever-increasing traffic in drugs as couriers. The Government was making serious efforts to eradicate the drug trade. There was also considerable migration out of Guyana mainly to North America. It was hoped that a better economic climate would slow the trend and that skilled Guyanese abroad could be persuaded to return home and help to ease the country's lamentable lack of trained personnel.

70. On the question of whether all citizens benefited from economic progress and whether there were any limitations, she noted that although de jure, all citizens benefited from such progress, in fact a large proportion of Guyanese society was disadvantaged; that sector had been most affected by the economic measures adopted to turn the economy around.

(Ms. Bernard, Guyana)

71. Regarding what was meant by "public interest" in article 40 (1) of the Constitution, she noted that although the rights of individuals were preserved under the Constitution, they could be subordinated when necessary to the overall rights and freedoms of society as a whole, whenever the interest of the public and of the nation so demanded. That provision ought not to lead to abuse and injustice since the courts were the guardians of the rights of individuals under the Constitution and anyone aggrieved could approach them for redress.

72. With respect to the consultation of women's organizations in the preparation of the report, she noted that the Women's Affairs Bureau, which maintained contacts with women's non-governmental organizations, had been largely responsible for the preparation of the report, and that her delegation would report back to the various organizations when it returned home. Representatives of women's non-governmental organizations were to participate in preparations for the Fourth World Conference on Women to be held in Beijing in 1995.

73. Concerning Guyana's application to the United Nations system for assistance, particularly in the field of health, she noted that significant delays were being experienced in the implementation of projects funded by multilateral and bilateral organizations due in part to the need for substantial additional funding and, in part, to the Government's limited capacity to absorb further assistance caused by its inability to provide administrative and financial counterpart support.

74. Concerning the laws that had been changed and those that remained to be changed, a committee had been established in 1980 to review and suggest amendments to the existing laws pertaining to women and children. It had recommended changes and amendments to certain laws which were felt to be discriminatory and, as a result, in 1983, new legislation had been passed removing the distinction between legitimate children and those born out of wedlock and thus abolishing the act known as the bastardy act. In 1990, laws had been passed that removed discrimination against women and empowered women to seek remedy through the courts if they had suffered from discrimination.

75. She noted that there were several ongoing programmes for the development of women which would be intensified as the economy improved. A national policy statement on women which would form the basis on which women's programmes were enhanced had also been promulgated by the previous Government and updated by the present one. A time-frame for development could not be established since development depended to a large extent on the improvement of the economy and the decrease in the national debt. The Government was fully aware of the deficiencies in the data collection and keeping of statistics and was seeking help from international agencies to improve its performance in that regard.

(Ms. Bernard, Guyana)

76. Although it might seem as though the Government was moving very slowly on the issue, in fact it was moving deliberately so as to remove discrimination against women from national legislation. The Government had included in the 1980 Constitution provisions with respect to the equality of women (art. 29) as a result of which women now had access to the higher ranks of the public service. Instruments such as the Children Born Out of Wedlock Act of 1993 and the Equal Rights Act of 1990 which removed the stigma associated with women and children of illegitimate unions and empowered women to seek redress for discriminatory practices on the basis of sex, were among the measures taken by the Government to improve the status of women. The new Government's commitment to improving the status of women was reflected in the fact that there was now a Minister for Women's Affairs.

77. On the question of the relationship between the Convention and local law, she said that since Guyanese women had access to the courts under the Constitution and municipal law provisions, they enjoyed a significant degree of protection. The rights outlined in the Convention were incorporated by specific statute into the municipal laws of Guyana. Normally, once an international convention had been ratified, where the provisions of the convention created justifiable rights in the local courts, they were given effect. The Government of Guyana had, over the years, proceeded on the basis of the protection afforded to women under local law; it was not only similar to that afforded under the Convention but also adequate.

78. Turning to the questions asked about specific articles of the Convention, she said that, although no accurate statistics were available on the incidence of violence against women, it could be said to be fairly prevalent and occurred at all levels of society; the more affluent women tended to be reluctant to report abuse. It was only recently that women had begun to report assaults committed against them by their spouses or common-law partners. In some cases the police were reluctant to institute charges and sometimes, through pressure or fear, women later withdrew the charges or pleaded for leniency for the perpetrator. Women's organizations had been urging that such cases should be investigated by women police and had also been calling for the establishment of a family court to deal with such matters. Women's NGOs had plans to establish shelters and a hot line for abused women, and international assistance was being sought to help finance them. An NGO had recently submitted to the Government a draft domestic violence bill which would provide for restraining orders and injunctions to be granted by the courts against abusers, and would follow the format of similar bills in force in other Caribbean countries. The Government and NGOs planned to mount an education programme, particularly in schools, to educate the young about non-violent forms of conflict resolution, and about self-esteem and respect for females.

(Ms. Bernard, Guyana)

79. On the question of the application of article 2 in relation to the various racial groups in Guyana, she said that under the Constitution, all citizens had the right to practise their customs and religions. The indigenous people, the Amerindians (6.8 per cent of the population), had been integrated into society and were involved in all areas of life. A Ministry responsible for Amerindian affairs had recently been established and there were several organizations to protect the rights of Amerindians. Nine members of Parliament, including two women, were Amerindians. Attempts were being made to preserve Amerindian culture and promote Amerindian crafts.

80. Africans constituted 35.6 per cent of the population; they had been brought as slaves to work on the sugar plantations. The aftermath of slavery had been divided families, the destruction of African culture and traditions, and the replacement of African religion by Christianity. They accounted for a large percentage of workers in the public sector.

81. The Chinese and Portuguese had been brought in as indentured immigrants and had gone into trade and commerce. A small percentage of Europeans remained in Guyana. Together with the Chinese and Portuguese, they made up 4 per cent of the population.

82. The East Indians (49.5 per cent of the population) had entered Guyana as indentured immigrants and had been able to preserve their language and customs and their religion (mainly Hinduism and Islam and, in a few cases, Christianity). Some religious practices had limited the freedom of women, including the practice of arranged marriages which was slowly disappearing. East Indian women were not always involved in decision-making or allowed into male-dominated religious positions and other leadership roles. Women in all racial groups had been dominated by men in one way or another; economic dependency compounded the problem. However, dramatic changes were taking place.

83. Referring to the national machinery for women, she said that within the Ministry of Labour, Human Services, Social Security and Housing, there was a senior minister responsible for labour and housing and a junior minister responsible for human services and social security, including women's affairs, which were the responsibility of the Women's Affairs Bureau.

84. On the question of whether special measures had been adopted to accelerate equality between men and women, she said that the Women's Affairs Bureau was engaged in project monitoring and implementation; 80 per cent of the projects were directly targeted to women and of those, 70 per cent focused on skills acquisition and education in 7 of the country's 10 administrative regions. That included training in small business management, as well as the organization of health seminars. Five per cent of the projects were community-based, with a major focus on water and sanitation.

(Ms. Bernard, Guyana)

85. There were no laws in Guyana prohibiting prostitution, although there were laws penalizing men for living on the earnings of prostitution or soliciting for immoral purposes and laws with regard to loitering and soliciting. The Government was trying to encourage young women to undertake income-generating activities. Many women were engaged in entrepreneurial activities, especially in the informal sector. However, the migration of young women from the rural to the urban areas had increased the incidence of prostitution; efforts were being made to increase the standard of living in rural areas and persuade young women to remain in their regions.

86. In relation to article 7, employment trends in Guyana indicated a gender-specific division of labour that to a large extent accorded with the traditional definitions of women's economic roles. In 1980, the majority of women in the labour force had been employed in the professional and technical sector, followed by the clerical and related work areas and the service sector. Although only a small percentage of women were actually employed in the agricultural sector, a large number of women were involved in household subsistence farming and poultry rearing in order to supplement inadequate family incomes. In the private sector, women constituted a small though growing number of middle and lower level managers, but executive positions were almost exclusively occupied by men. The civil service sector and the teaching professions were perhaps the only fields where women played a significant role in decision-making; however, those sectors were low paying.

87. There were women members of trade unions in both the private and public sectors. There were no exclusively female trade union organizations since there was equal access to employment for both men and women. Although women had held high positions in the trade union movement over the years, her Government hoped that more women would take up such positions.

88. Concerning article 8, she said that the problems which had inhibited women's participation in decision-making were mainly attitudinal. However, there was a trend for more women to enter the professions than men, and it was to be hoped that that trend would increase.

89. Women continued to be in the minority at higher echelons of public and political life, and their participation in Government and political leadership had not changed significantly. Female participation in the Parliamentary Assembly had increased from 1980 to 1985, only to fall back following the general elections of 1992. In 1993, the ratio of men to women in Parliament had been 5:1, with a female composition of 10 non-elected members and 2 ministers of the Government. The asymmetry in male-female representation was similar at decision-making positions in government, where women held only 13.3 per cent of ministerial-level government positions in 1993, representing no increase since 1985. Of the two female ministers, one was a senior minister of health and the

(Ms. Bernard, Guyana)

other minister held office within the Ministry of Labour, Human Services, Social Security and Housing, with responsibility for the unit of which the Women's Affairs Bureau was a part. There was currently no female ambassador representing Guyana overseas. However, there had been a small but steady increase in the number of women in senior civil service positions.

90. With regard to the participation of women in politics at the local and State levels, the three main political parties in the country all had women's sections which were responsible for studying the welfare of women and articulating their needs. Traditionally, women had played a very active role in political life, especially in political parties and elections. However, only a few women had been able to attain leadership roles, often because of the difficulty of combining political work with family responsibilities. All parties had recognized that deficiency and were trying to address the matter. Under a system of local democracy, initiated in 1980, regional democratic councils had been established in each of the 10 administrative regions in Guyana. Women's overall participation in local representative bodies was similar to their representation in Parliament and Government. The trend was different within municipalities, where there had been a continuous decline in the number of female mayors, although there had been an increase in the number of deputy mayors. It was hoped that the representation of women would increase in the forthcoming local government elections.

91. Concerning article 10, she said that courses in vocational skills were open to both men and women, but there was still a tendency among women to pursue programmes of study in traditionally feminine fields. Only a very small number of women gained engineering degrees and diplomas or graduated from technical institutions. Steps were being taken to encourage women to enter fields previously dominated by men.

92. East Indian women were afforded equal educational opportunities and equal access to health facilities and employment, and were encouraged to participate fully in the development process.

93. Turning to article 11, she said that a significant component of women's productive contribution was in the home and was rarely accounted for in computations of employment rates. In 1980 over 62 per cent of the adult female population had been involved in domestic duties; by 1992, that figure had declined to about 57 per cent, as an increasing number of women found it necessary to work outside the home to supplement family income. In 1990 an Equal Rights Act had been passed which provided, inter alia, that all forms of discrimination on the basis of sex or marital status were illegal and that women and men should be paid equal remuneration for the same work or work of the same nature. On the whole women did receive the same remuneration as men if they performed the same tasks and were similarly qualified. In some private-sector

(Ms. Bernard, Guyana)

organizations, women were paid less on the basis of the traditional view that men were the breadwinners. So far, no cases alleging discrimination under the Equal Rights Act had been brought before the courts. In answer to another question, discrimination was not defined in the Equal Rights Act.

94. Women had equal opportunities with men for full-time employment but in many cases were tied down by child-rearing. Increasingly, day-care facilities were being provided by the Government and non-governmental organizations. In earlier times, children had been left in the care of grandparents and relatives but older relatives were tending to emigrate to North America to perform similar child-care chores for those going out to work in the developed countries. Funding was badly needed for the establishment of day-care centres in Guyana to enable women to enter the workforce.

95. In relation to article 12, she said that maternal mortality had increased because of high-risk pregnancies, lack of trained medical attendants, malnutrition and abortion, among other factors. There had been sharp cuts in Government expenditure on health; in 1991, Government spending had been less than half what it had been in 1988. The 1993 budget had allocated much more to health; however, steps could not be taken in a piecemeal manner because that might alleviate one area and aggravate another. Health education projects were being carried out, and pre- and post-natal care were provided at several health clinics; women were being encouraged to attend nutritional seminars and to space their children. Currently, there were no facilities to detect cervical cancer and no mammography equipment; however, a new diagnostic centre was to be opened shortly.

96. The scourge of AIDS had invaded the female population, mainly through heterosexual contact; although far fewer women than men had the virus it was increasing much faster proportionally. In the period 1990-1992 the number of new cases of AIDS among women had increased 207 per cent compared to 71 per cent among men. Her Government had launched an educational programme for youth groups and for schools to combat the spread of AIDS. There was an active responsible parenthood association and there were also frequent radio and television discussions and advertisements on AIDS and on the need to use condoms, although culturally men were reluctant to do so. Efforts were being made to change the attitudes of the public to AIDS victims and to persuade families not to ostracize such persons.

97. Women were accepting family planning and the population growth rate had slowed. There were family planning programmes for teenagers; family planning and counselling were provided at 166 clinics across the country.

98. In connection with article 16, her Government agreed that it was possible to adopt a comprehensive approach to reforms concerning the family and it hoped

(Ms. Bernard, Guyana)

that there would be some harmonization of laws in that respect with the rest of the Caribbean. In 1990, two separate Acts had been passed concerning the family, the Married Person Property Amendment Act and the Family and Dependants Provision Act, which had radically changed the laws relating to the division of the property of spouses who separated. As of 1990, the wife was entitled to half the property if she was employed outside the home and one third if she was not, and if the marriage had lasted for less than five years, her services as wife and mother were quantified and she was given a share of the property.

The meeting rose at 6.10 p.m.